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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,942	09/08/2003	Gary T. Park	090303	8995

7590

04/13/2004

Christopher J. Whewell
Western Patent Group
6020 Tonkova Trail
Georgetown, TX 78628

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,942

Applicant(s)

PARK, GARY T.

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18, 19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09242003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 21 recites the limitation "said interior volume" in line 1. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 22 recites the limitation "said interior volume" in line 1. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 23 recites the limitation "said interior volume" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes (US 4,358,866).

Rhodes discloses the same buoyant table and seating ensemble as claimed, as shown in Figures 1-6, that is comprised of a substantially planar framework, as shown in Figure 1, that is further comprised of hollow structural members each having an interior volume, as shown in Figures 2 and 6, where the interior volume of at least two of said structural members are in fluid contact with one another, as shown in Figure 5, and where said framework includes an opening, as shown in Figure 6, to render said interior volume to be in fluid contact with a body of water, a buoyant tabletop portion, defined as Part #15, 97 or 99, that is centrally disposed above the plane of said planar framework, as shown in Figure 1, and a plurality of seating means, defined as Parts #17 and 18, that are connected to said framework, as shown in Figure 1, where said seating means are disposed so that said tabletop portion is centrally located with respect to said seating means, as shown in Figures 1 and 3.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes.

Rhodes, as set forth above, discloses all of the features claimed except for the use of an ensemble that sufficiently buoyant to float while disposed in a body of water and supporting a human mass of between 200 and 1000 pounds.

The use of a buoyant table and seating ensemble that is capable of supporting a specific human mass while disposed in a body of water would be considered by one of ordinary skill in the art to be a design choice based upon the desired number of persons to be seated and supported by said buoyant ensemble, and the anticipated average mass of each of the persons to be supported by said buoyant ensemble.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a buoyant table and seating ensemble that is capable of supporting a specific human mass in combination with the buoyant table and seating ensemble as disclosed by Rhodes for the purpose of providing a buoyant table and seating ensemble that is capable of supporting a specific number of persons and their weight while disposed in a body of water.

Allowable Subject Matter

10. Claims 1-17 are allowed.
11. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Claims 21-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wheaton (US 6,571,403 and US 6,209,147) discloses a poolside table and seating attachment system that can be mounted to the bottom of a swimming pool. Staley (US 5,518,431) discloses a floating recreational seating device with a plurality of seating means and a table that is tethered in the center of said device.

14. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

April 6, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
4/6/04